

In United States District Court
For the District of Delaware

UNITED STATES OF AMERICA

Criminal Complaint

v.

CASE NUMBER: 07-101M-MPT

KADARELL BARRETT,
Defendant.

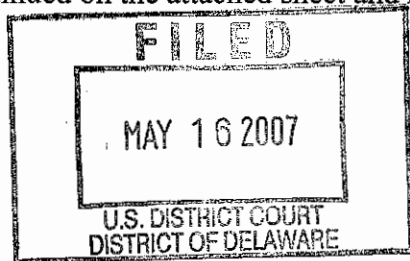
I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about May 15, 2007 in the District of Delaware, Defendant KADARELL BARRETT did knowingly possess in and affecting interstate commerce, a firearm, after having been convicted of a felony crime punishable by imprisonment for a term exceeding one year, in violation of Title 18 United States Code, Section(s) 922(g)(1) and 924(a)(2).

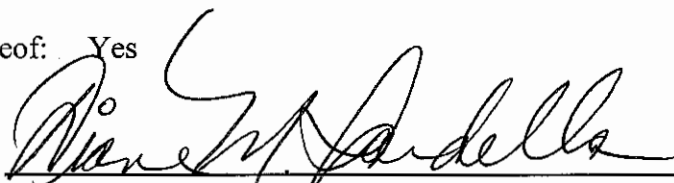
I further state that I am a(n) Special Agent, ATF and that this complaint is based on the following facts:

Official Title

See attached Affidavit

Continued on the attached sheet and made a part hereof: Yes

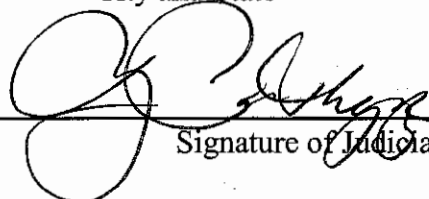



Diane Iardella
Special Agent, ATF

Sworn to before me and subscribed in my presence,

May 16, 2007 at Wilmington, DE
Date City and State

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT OF SPECIAL AGENT DIANE M. IARDELLA

1. Your affiant is Special Agent Diane M. Iardella. Your affiant has been a law enforcement officer for 19 years with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As part of my duties, responsibilities and training, and in the course of my investigative experience, I have become familiar with the statutes, rules and regulations, policies and procedures, relating to the Bureau of Alcohol, Tobacco, Firearms and Explosives, including but not limited to the possession of firearms by persons prohibited, and other laws enforced by the Bureau of Alcohol, Tobacco, Firearms and Explosives. I am a graduate of the Federal Law Enforcement Training Center, Glynco, GA, Criminal Investigation Course and the Bureau of Alcohol, Tobacco and Firearms New Agent Training Course. I have been involved in the investigation of approximately 200 cases involving firearms violations. I have participated in the seizures of approximately 800 firearms and the seizures of approximately 20,000 rounds of ammunition. I have previously qualified as an expert witness regarding the identification, origin and classification of firearms in the U.S. District Court for the District of Delaware.

2. Unless otherwise stated, the information in this affidavit is based upon your affiant's personal knowledge.

3. The seizure of all the below stated evidence occurred on May 15, 2007, in the City of Wilmington, State and District of Delaware, as stated to me by one or more Wilmington Police Officers with personal knowledge of the seizure of the below items.

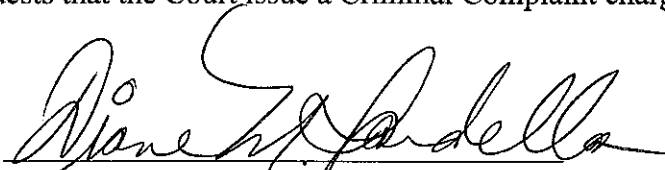
4. Your affiant reviewed the computer criminal history information for the Defendant Kadarell Barrett from the Delaware Justice Information System (DELJIS) and learned that the defendant has a prior felony conviction for Assault Second Degree from on or about 5/19/03 in the Superior Court of the State of Delaware, a crime punishable by imprisonment for a term exceeding one year. Your affiant also learned from the DELJIS computer checks that the defendant has a prior conviction for Distribution, Delivery, or Possession of a Controlled Substance Within 300 Feet of a Park from on or about 5/19/03 in the Superior Court of the State of Delaware, a crime punishable by imprisonment for a term exceeding one year.

5. As stated to me by one or more Wilmington Police Officers with personal knowledge of the above facts, I learned the following. On May 15, 2007, Wilmington Police responded to information about a man with a gun located on a corner in a certain location in the city of Wilmington. Wilmington Police received the following description of the individual with the gun; a black male wearing a black tee shirt and jeans standing on this certain corner in the city of Wilmington with another named individual. The named individual was known to the responding officer from prior incidents. When the responding Wilmington Police officer arrived at the corner he saw the named individual he knew and the black male, later identified as Barrett. The responding officer realized that Barrett matched the above description. Barrett lifted his hand towards his waistband. When the responding officer, in full uniform, exited his marked vehicle, Barrett reached with his hand into his waistband and started to move away. The responding officer issued commands to stop and remove his hands so he could see them. Barrett started

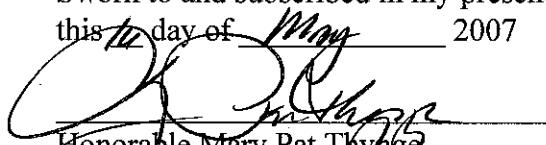
walking and then running. Barrett then stopped and started to turn. As Barrett turned towards the responding officer, that officer saw a gun in his hand. The responding officer continued to issue commands. Barrett then dropped the gun, put his hands in the air and fell to the ground. Wilmington Police recovered a cocked Ruger .22 caliber revolver loaded with 3 live rounds and two spent casings.

6. From training and experience, your affiant knows that the above - mentioned firearm is a firearm as defined in 18 USC, Chapter 44, Section 921(a)(3) and was manufactured in a state other than Delaware such that its possession in Delaware would have necessarily required that the firearm had crossed state lines prior to its possession in Delaware and such that the possession of that firearm in Delaware affected interstate commerce.

Wherefore, based upon your affiant's training and experience, your affiant believes that there is probable cause to believe that the defendant violated 18 U.S.C. 922(g)(1) and 924(a)(2) by possessing in and affecting interstate commerce a firearm, after having previously been convicted of a felony crime punishable by imprisonment for a term exceeding one year and respectfully requests that the Court issue a Criminal Complaint charging that offense.


Diane M. Iardella
Special Agent, ATF

Sworn to and subscribed in my presence
this 14 day of May 2007


Honorable Mary Pat Thynga
United States Magistrate Judge
District of Delaware